REMARKS/ARGUMENTS

Claims 1-27 are currently pending in the present application. The Examiner has rejected claims 10, 11, 13, 14, 17-19 and 26 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,154,776 in view of U.S. Patent No. 6,771,661 to Chawla et al. Claims 15 and 16 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin and Chawla in further view of alleged Applicant Admitted Prior Art. Claims 1-9, 12, 20-22, 25 and 27 have been rejected as allegedly being obvious over Martin, Chawla and U.S. Patent No. 6,128,713 issued to Eisler et al. Claims 23 and 24 have also been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin, Chawla, and Eisler in further view of U.S. Patent Publ. No. 2002-0194326 to Gold et al.

Applicant respectfully requests reconsideration of the present application. Claim 1 has been amended to incorporate limitations substantially similar to claim 6, which has now been canceled. Claim 10 has been amended to state that the user partition is created as a child partition of a dynamic partition, which includes a second attribute that defines the user partition allocation within the first allocation. Claim 11 has been amended to include, among other limitations, accessing a memory space including a dynamic partition, and creating a user partition based on an attribute in the dynamic partition. Claim 20 has been amended to include accessing a memory space comprising a plurality of partition objects arranged in a hierarchical partition configuration, and creating a user partition as a child partition of a dynamic partition in the memory space. Claim 26 has been amended in a similar manner to claim 20. Similarly, claim 25 has been amended to include similar limitations to claim 20 and further enforcing the allocations defined in the partitions on data flows. Claim 24 has also been amended to add limitations describing the overflow partition.

Lastly, Claim 8, resubmitted without amendment, includes a dynamic partition object having at least one attribute defining a first allocation of a network resource to a corresponding traffic class and at least one attribute defining a second allocation, within the first allocation, of the network resource across all data flows corresponding to a user; and a partition mechanism that identifies a new data flow and the traffic class associated with the data flow; and, and a partition management module that identify the dynamic partition object associated with the

traffic class of a new data flow; identifies a new user based on one or more attributes of at least one packet of the data flow; dynamically creates a user partition object in the partition object space in response to an identification of a new user according to the attributes of the dynamic partition object associated with the new data flow.

The prior art cited above fails to disclose or suggest the claimed subject matter. As to the rejection of claim 6 (which is similar to claim 1 as amended) and claim 8, the office action fails to establish a prima facie case. Indeed, the Office Action simply relies on the reasoning corresponding to the rejections of claims 1 and 2 without further analysis. See Office Action at ¶¶ 29, 30. The Office Action, however, ignores the actual limitations of claims 6 and 8 and is devoid of any analysis as to how the prior art discloses or suggests such limitations. For example, the Examiner fails to address limitations directed to dynamic partitions that include attributes that define allocations for the user partitions (Claims 6 and 8), or the identification of traffic classes and corresponding dynamic partitions (see Claim 8). Due to the lack of analysis of the actual limitations of claims 6 and 8 in the Office Action, Applicant respectfully requests, if the Examiner is not inclined to allow the pending claims, that the next Office Action not be made final, as the current office action does not provide Applicant with sufficient basis for ascertaining the reasoning behind, and thus responding to, the Examiner's rejections.

Furthermore, assuming for the sake of argument that the combination of Martin, Chawla and Eisler is proper, the alleged combination fails to disclose or suggest the subject matter of claim 1. In particular, the alleged combination fails to disclose dynamic partitions that include a first attribute that defines an allocation of a network resource and a second attribute that defines user partition allocations within the first allocation. Chawla, Eisler and Gold have been discussed in previous communications. Martin discloses the mapping of data flows to users and to QoS definitions. However, Martin does not teach dynamic partitions and the creation of user partitions as disclosed and claimed in the present application. The cited prior art also fails to disclose or suggest creating user partitions that include the second attribute in response to detecting new users. Furthermore, as to claims 20, 25 and 26 the cited prior art fails to disclose hierarchical partition configurations, and the creation of user partitions as child partitions of dynamic partitions. As to claim 8, the prior art also fails to disclose or suggest the identification

of dynamic partitions based on a traffic class associated with the data flows. In addition, the cited prior art fails to disclose or suggest a traffic class database storing traffic classes in association with corresponding dynamic partition objects; a partitioning mechanism that identifies a new data flow and the traffic class associated with the data flow; and a partition management module that dynamically creates a user partition object in response to an identification of a new user according to the attributes of the dynamic partition object associated with the data flow.

Furthermore, as to claims 23 and 24, the cited prior art fails to disclose or suggest the configuration of user partition caps and the user of overflow partitions when the user partition cap is exceeded. Claim 24 has been amended to state that new users are automatically assigned the overflow partition. Gold teaches a system where manual intervention is required to temporarily allow access when the new user capacity limit is exceeded. Gold at paragraph 73. Moreover, Gold does not teach or suggest assigning new users, after the user partition cap is exceeded, to the an overflow partition wherein the overflow partition defines an aggregate allocation of the network resource for data flows associated with users assigned to the overflow partition. In other words, unlike Gold, where it appears that all users are assigned the same type of access after the capacity limit is exceeded, new users are assigned respective user partitions, until the user partition cap is exceeded. At that point, all new users are assigned and, therefore share, the resources allocated to the overflow partition.

In light of the foregoing, Applicant believes that all currently pending claims are presently in condition for allowance. Applicant respectfully requests a timely Notice of Allowance be issued in this case. If the Examiner believes that any further action by Applicant is necessary to place this application in condition for allowance, Applicants request a telephone conference with the undersigned at the telephone number set forth below.

Date: April 24, 2006

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Respectfully Submitted,
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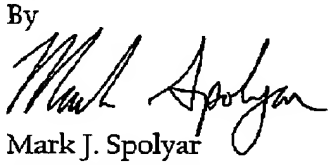

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